

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID J. CARBAJAL,

Defendant.

4:12CR3017

MEMORANDUM AND ORDER

After conducting a detention hearing under the Bail Reform Act, 18 U.S.C. § 3142(f), the court concludes the defendant must be detained pending trial.

There is a rebuttable presumption that no condition or combination of conditions of release will reasonably assure the defendant's appearance at court proceedings and the safety of the community because there is probable cause to believe the defendant committed a drug crime under the Controlled Substances Act (21 U.S.C. § 801 et seq.), for which the defendant could be required to serve ten or more years in prison. The defendant has not rebutted this presumption.

Specifically, the court finds that the defendant has limited contacts with the community; contacts in Mexico; no living arrangements which would support electronic monitoring currently available in Nebraska;

and at this time, no conditions or combination of will sufficiently ameliorate the risks posed is the defendant is released.

Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

March 5, 2013.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge

